THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 5233 of 1997

DATED: 24.02.2006

Between:

M.Ram Reddy.

... PETITIONER

AND

The Commanding Officer and others.

... RESPONDENTS

ORDER:

The petitioner claims to be the owner of land, admeasuring Ac.3.13 guntas, in Survey No.99 of Trimulgherry Revenue Village, Secunderabad Mandal. He seeks a Writ of Mandamus against the respondents, directing them not to interfere with his peaceful possession over the said land. In their counter affidavit, the respondents have disputed the claim of the petitioner and state that the petitioner had encroached into the defence land.

Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue and the learned Standing Counsel for the Central Government.

This Court is not inclined to accede to the request of the petitioner to issue Writ

of Mandamus with the prayer indicated above. Further, there is a serious dispute as to the title over the land in question. The petitioner has to work out his remedies in a civil Court, be it, for declaration of title or for the relief of perpetual injunction.

Hence, the Writ Petition is disposed of, leaving it open to the petitioner to work out his remedies in a Civil Court. It is directed that the interim order passed by this Court, while admitting the Writ Petition, on 09.04.1997, shall remain in force for a period of four (4) weeks from today and lapse thereafter. There shall be no order as to costs.

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24.02.2006

Jsu